

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

**KELLY E. HALL and her husband,
THOMAS HALL,**

Plaintiffs,

v.

**SODEXO OPERATIONS, LLC,
a Delaware corporation,**

Defendant.

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No. 1:18-cv-16

JURY DEMAND

ANSWER

COMES NOW the Defendant, Sodexo Operations, LLC (“Sodexo Operations”), to submit its Answer to Plaintiffs’ Complaint as follows:

FIRST DEFENSE

For the specifically enumerated paragraphs of Plaintiffs’ Complaint, Defendant states as follows:

1. Sodexo Operations denies it is a Delaware corporations but admits that its principal places of business is at the corresponding addresses in paragraph I. Defendant is without sufficient information to admit or deny the other allegations contained in paragraph I.

2. The allegations contained in paragraph II are denied as pled.

3. The allegations contained in paragraph III(1)-(6) are denied.

4. The allegations contained in paragraph IV(1)-(6) are denied.

5. The allegations contained in paragraph V are denied.

SECOND DEFENSE

Plaintiffs’ Complaint fails to state a claim upon which relief can be granted.

THIRD DEFENSE

Plaintiff Kelly E. Hall so carelessly and negligently conducted herself that she, by her own negligence, contributed directly and proximately to her own injuries. Plaintiffs' fault is greater than that of Defendant, if it is at fault at all, and therefore Plaintiffs should recover nothing from Defendant. In the alternative, Plaintiffs' damages should be reduced in proportion to the percentage of negligence attributable to them under the doctrine of comparative fault.

FOURTH DEFENSE

Plaintiff Kelly E. Hall's own comparative negligence in failing to maintain a lookout and/or use ordinary and reasonable care caused or otherwise contributed to her accident and bars her from recovery in this case.

FIFTH DEFENSE

Defendant did not breach any duty owed to the Plaintiffs. Defendant exercised due care and diligence in all of the matters alleged.

SIXTH DEFENSE

No act or omission of Defendant was the proximate cause of any damage, injury or loss to the Plaintiffs.

SEVENTH DEFENSE

Plaintiffs' claims are barred or limited to the extent Plaintiffs have failed to mitigate their damages.

EIGHTH DEFENSE

The sole legal and proximate cause of Plaintiff Kelly E. Hall's injuries was the negligence, by its failure to adequately train, supervise, or otherwise monitor its employee, of Plaintiff Kelly E. Hall's employer and/or any other entity by which she was employed at the time of the accident or had control over the facility where she was injured and/or was responsible for the supervision

of Plaintiff Kelly E. Hall at or near the time of the accident. Their sole negligence is a complete bar to any claims against Defendants.

NINTH DEFENSE

Defendants reserve the right to amend their Answer to include such other and further defenses that may later become apparent through further investigation and discovery.

TENTH DEFENSE

All allegations not heretofore admitted, explained or denied are here and now denied as set forth as though specifically denied therein.

WHEREFORE, having answered Plaintiff's Complaint, Defendant respectfully prays for the following relief from this Honorable Court:

1. That Plaintiffs' claims be denied and dismissed with prejudice;
2. That the case be tried before a jury; and
3. For such other and further relief as this Honorable Court deems just and proper.

Respectfully submitted,

CARR ALLISON

By: /s/ Sean W. Martin

SEAN W. MARTIN, BPR #020870
Attorney for Sodexo Operations, LLC
651 E. 4th Street, Suite 100
Chattanooga, TN 37403
(423) 648-9832 / (423) 648-9869 FAX
swmartin@carrallison.com

CERTIFICATE OF SERVICE

I hereby certify that on February 9, 2018, I electronically filed an **ANSWER** with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

James R. Kennamer
P.O. Box 11107
Chattanooga, TN 37401

CARR ALLISON

BY: /s/ Sean W. Martin
SEAN W. MARTIN, BPR# 020870
Attorney for Sodexo Operations, LLC
651 E. 4th Street, Suite 100
Chattanooga, TN 37403
(423) 648-9832 / (423) 648-9869 FAX
swmartin@carrallison.com